



UAA Work Efforts in Oregon: Federal Dams

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Overview of Presentation

- **Background on UAA work efforts on federal dams**
- **Current efforts**
- **Future work efforts**



40 CFR 131.10 (g) Categories for removal or use sub-categories – *focus on federal dams*

4. *Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or operate such modification in a way that would result in the attainment of the use; or*



40 CFR 131.10 (g) Categories for removal or use sub-categories – *focus on federal dams*

6. *Controls more stringent than those required by sections 301(b) and 306 of the Act would result in substantial and widespread economic and social impact.*



Background on UAA Discussion for Federal Dams

- Columbia-Snake Mainstem Temperature TMDL – Preliminary Draft – Nov. 2002
- Concerns were raised about standard attainment for Congressional authorized dams and TMDL was delayed
- Discussions began with ID, OR, WA, EPA, Corps, Bureau of Rec, & BPA to develop UAA pathway for federal dams as a part of state implementation plan



EPA Oct. '03 OR WQS Proposal

- Under March 2003 U.S. District Court order, EPA issued Proposed Rule – Water Quality Standards for Oregon, Oct. 10, 2003
- Proposal contained:
 - *Process for Federal Agencies Responsible for Federally Owned or Operated Dams to Request EPA Modify Water Quality Standards*



EPA Oct. '03 OR WQS Proposal

- Federal agency may petition EPA to revise water quality standard
- Federal agency documentation
 - Purpose and function of dam
 - Feasible, practicable operations alternatives
 - Feasible, practicable structural modifications
 - Relevant studies



EPA Oct.`03 OR WQS Proposal(cont.)

- Federal agency public process for affected jurisdictions and public
- EPA's proposed review process
 - EPA respond to petitioner w/in 9 mos
 - ESA and Tribal consultation



OR UAA Process

- OR committed to EPA to initiate UAA process in Dec. '03 WQS submittal letter
- Collaborative Workgroup established in June 2004
- EPA providing contractor assistance to facilitation and technical support
- Oregon (and other) Tribes invited by OR DEQ to participate



OR UAA Process (cont.)

- Facilitated workgroup advising OR on development of guidance
- Major focus on federal dams
- Corps, Bureau of Reclamation, Idaho Power at table - High visibility and national interest



OR UAA Process (cont.)

- Pilot project discussion have begun – Applegate? Willamette?
- Draft Guidance in Dec '04
- Public review and comment in early 2005



OR UAA Process (cont.)

- EPA preparing to send letter to OR Tribal Governments notifying of OR UAA process and other OR WQS work efforts
- UAA decisions require EPA approval and a responsibility to consult and coordinate with Tribal Governments



OR UAA Draft Document:

- 1: What is UAA?
- 2: Integration of UAAs with Other Water Quality Programs
- 3: WaterBody Survey
- 4: Management Practices and Control Strategies
- 5: Determining Attainable Uses
- 6: Cost of Use Attainment
- 7: Overview of OR DEQ Review
- 8: Standards Review and Consultation
- 9: Effect of Federal Laws
- 10: Alternative Methods (Trading and Mitigation)
- 11: Other UAA Examples



OR UAA Process

- Economics - BIG ISSUE
 - What is feasibility?
 - Different historical uses of feasibility
- Extra meeting on December 2nd to continue discussions